

Application No. 10/743,920
Amendment Dated March 1, 2006
Reply to Office Action of November 3, 2005

REMARKS/ARGUMENTS

By this Amendment, claim 1 is amended. Claims 1-24 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 1 paragraph designators are corrected by the present Amendment.

PRIORITY:

The applicant acknowledges Office's receipt of the certified copy, filed on October 31, 2001.

REJECTION UNDER 35 U.S.C. § 103(a):

The Examiner first maintained the rejection of claims 1-3, 6, 8, 10, 15-21, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,584,737 (Luhtala) in view of U.S. Patent No. 5,813,891 (McNamee). This rejection is traversed for the following reasons.

The Examiner states on page 4 of the Office Action that

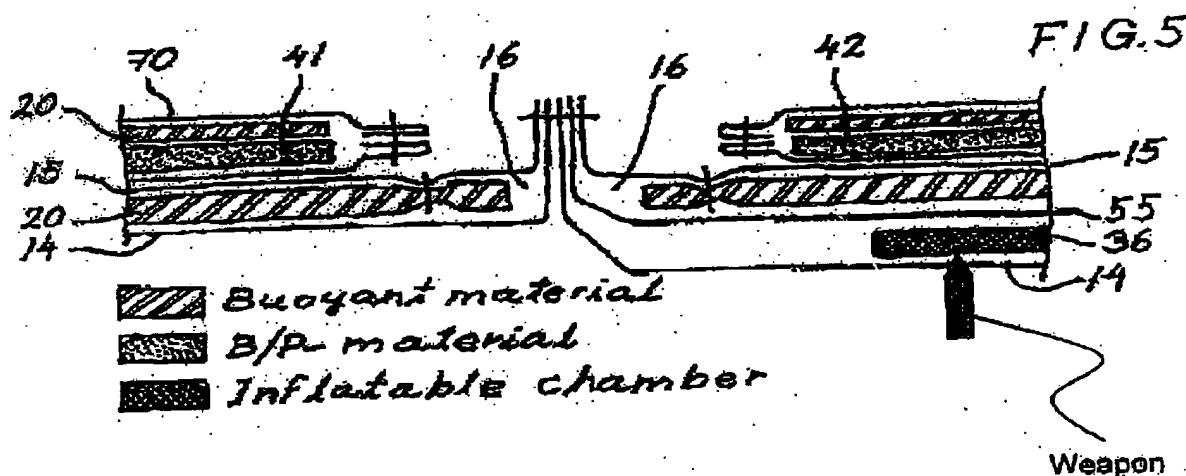
Figure 5 clearly shows a configuration where the inflatable chamber 36 is between the inner layer 14 and the bullet proof material 42 and that the bullet proof material 42 is under the external layer 70 of the vest.

The present specification refers to reference numeral 14 as the "outer shell" at lines 12, 30, 52, 63 and 65 of column 4, and lines 6, 10 and 44 of column 5. The specification also refers to reference numeral 15 as the "inner shell" at lines 13, 31 and 64 of column 4 and line 44 and 45 of column 5.

It is therefore clear from the description and drawings that reference numeral 14 refers to the internal surface and reference numeral 15 refers to the external surface of the vest/jacket.

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Referring to Figure 5 of Luhtala, which is reproduced below, a weapon is shown penetrating the outer shell 14, as it would in use. It is clear that there is no bullet-proof material to prevent penetration of the weapon to the inflatable chamber 36.



Luhtala does not teach or suggest that it would be desirable to position the inflatable chamber in a location as disclosed in claim 1, as originally filed and as amended here.

As stated in the applicant's Amendment dated July 27, 2005, this is a critical feature of the invention. This feature provides two significant benefits, as stated in the present application, as filed.

First, as shown in the present specification at page 1, line 26 to page 2, line 2:

[t]he [gas inflatable] bag is arranged for extending between the armour and the wearer's body when the garment is being worn and the garment is such as to minimize harm to the wearer by pressure on the wearer's body when the bag is inflated by limiting side pressure.

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Second, as described at page 5, lines 9-11,

The bladder 110 is located between the body armour 106 and the internal surface of the vest, i.e., between the armour and the body of the wearer, so as to lesson the chance of weapon damage to the bladder.

Consequently, the applicant submits that the arrangement of claim 1, as amended, is both novel and not obvious over the cited prior art, alone or in combination. It is therefore respectfully requested that the Examiner withdraw the rejection to claim 1 and pass claim 1 to issuance. Since claims 2-3, 6, 8, 10, 15-21, 23 and 24 all depend directly or indirectly from claim 1, it is respectfully requested that the Examiner withdraw the rejection to these claims also.

Next, the Examiner rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Luhtala in view of McNamee, as applied above, in further view of U.S. Patent No. 5,472,769 (Goerz et al.). For the reasons stated above, claim 1 is believed to be allowable. Since claims 11-13 also depend directly or indirectly from claim 1, it is respectfully requested that the Examiner withdraw the rejection to claims 11-13 and pass these claims to allowance.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

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Respectfully submitted,

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March 1, 2006

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

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